

LAW OFFICE OF DANIEL MARKS  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
610 South Ninth Street  
Las Vegas, Nevada 89101  
Office@danielmarks.net  
*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

PARNELL COLVIN,

Case No. 2:20-cv-01765-APG-EJY

Plaintiff,

v.

M.J. DEAN CONSTRUCTION, INC.,

Defendant,


**MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF**

Law Office of Daniel Marks hereby moves the Court for an order permitting the Law Office of Daniel Marks to withdraw as counsel for Plaintiff Parnell Colvin ("Plaintiff").

This Motion is based on the declaration of Daniel Marks, Esq., and the attached points and authorities.

DATED this 31 day of October, 2022.

LAW OFFICE OF DANIEL MARKS

  
\_\_\_\_\_  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
610 South Ninth Street  
Las Vegas, Nevada 89101  
Attorneys for Plaintiff


**DECLARATION OF DANIEL MARKS, ESQ. IN SUPPORT OF MOTION TO  
WITHDRAW AS COUNSEL PURSUANT TO LR IA 10-6(b)**

Daniel Marks, Esq., being first duly sworn under penalty of perjury under the law of the State of Nevada, deposes and says

1. I am over the age of eighteen years old and I am a resident of Clark County, Nevada.
2. The information set forth in this Declaration is true except for those stated upon information and belief, which I believe to be true.
3. I am an attorney at the Law Offices of Daniel Marks, attorneys for Plaintiff in the above-entitled action. I am duly admitted to practice law in the State of Nevada. I respectfully provide this declaration in support of Motion to Withdraw as Counsel Pursuant to LR IA 10-6(b).
4. On September 22, 2022, Plaintiff filed a document with the Court stating he is self represented.
5. Plaintiff's counsel has tried on multiple occasions to schedule a meeting or a telephone call to discuss the document that was filed, but Plaintiff would not cooperate. Plaintiff states he will only communicate via email.
6. A Joint Pretrial Order was filed with the Court on September 22, 2022, and approved September 26, 2022. Plaintiff's counsel wanted to set up a meeting and/or phone call to discuss trial strategy, Plaintiff refused.
7. As such, there will be no prejudice suffered by Plaintiff as a result of the Law Office of Daniel Marks withdrawal since Plaintiff will have ample time to retain new counsel in the near future who can assist him in pursuing this matter,
8. This motion is not made for the purposes of delay and Plaintiff will be served with a true and accurate copy of this Motion, by first class mail, through U.S. Postal Service, at his last known address, and via email.
9. Plaintiff's counsel cannot represent a client who refuses to communicate with them and will only communicate via email.

11. Law Office of Daniel Marks respectfully requests that this motion be decided as soon as practicable.

DATED this 31 day of October, 2022.

  
DANIEL MARKS

## MEMORANDUM OF POINTS AND AUTHORITIES

### I. LEGAL ARGUMENT

#### A. Law Office of Daniel Marks is entitled to withdraw due to irreconcilable differences with Plaintiff.

Nevada Rule of Professional Conduct 1.16(b) provides that a lawyer may withdraw from representation if “withdrawal can be accomplished without material adverse effect on the interests of the client” and “[o]ther good cause [than those enumerated as 1-6] for withdrawal exists.”

Pursuant to Local Rule IA 10-6(b), an attorney may withdraw from representation of a client upon leave of court. A motion for withdrawal of counsel must be served on the affected client and opposing counsel. *Id.* “Except for good cause shown, no withdrawal or substitution shall be approved if delay of discovery, the trial or any hearing in the case would result.” LR IA 10-6(e).

The Law Office of Daniel Marks moves to withdraw as counsel for Plaintiff because of irreconcilable differences with Plaintiff.

As evidenced by the Certificate of Service below, this motion has been served on the Plaintiff, by first class mail, U.S. Postal Services, at his last known address, and via email. In addition, the motion has been served on opposing counsel.

Therefore, there will be no prejudice suffered by Plaintiff as a result of the Law Office of Daniel Marks’ withdrawal since Plaintiff will have time to retain new counsel in the near future who can assist him in pursuing this matter.

Plaintiff’s counsel cannot continue to represent a client who will not communicate with his attorney by telephone or in person and requests communication only by email. Undesigned counsel cannot adequately represent the Plaintiff under those conditions and prepare for trial.

////

////


////

1 **II. CONCLUSION**

2 Based on the foregoing, the Law Office of Daniel Marks respectfully requests that this  
3 Honorable Court grant its Motion to Withdrawal.

4 DATED this 31 day of October, 2022.

5 LAW OFFICE OF DANIEL MARKS

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
610 South Ninth Street  
Las Vegas, Nevada 89101  
Attorneys for Plaintiff

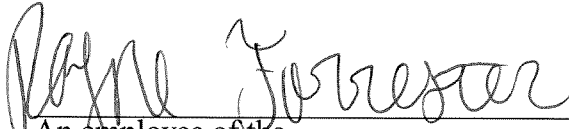
**CERTIFICATE OF SERVICE**

Pursuant to FRCP Rule 5(b), I certify that I am an employee of the Law Office of Daniel Marks, and that on this 31 day of October, 2022, I caused LAW OFFICE OF DANIEL MARKS'S MOTION TO WITHDRAW AS COUNSEL to be served via electronic service to the following:

Martin A. Little, Esq.  
Robert L. Rosenthal, Esq.  
HOWARD & HOWARD ATTORNEYS PLLC  
3800 Howard Hughes Pkwy, Suite 1000  
Las Vegas, Nevada 89169  
Attorneys for Defendant

**Via U.S. First Class Mail and email:**

Parnell Colvin  
6681 Tara St.  
Las Vegas, Nevada 89146  
Email: pc681@yahoo.com  
Plaintiff

  
An employee of the  
LAW OFFICE OF DANIEL MARKS